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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,394	01/23/2002	Anthony S. Wagner	104-986DIV	8444

7590 09/17/2002

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EXAMINER
HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
1754	3

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

(10) - 3

Office Action Summary

Application No.	Applicant(s)
055394	Wagner
Examiner	**Group Art Unit**
Hendrickson	1754

—The MAILING DATE of this communication appears on th cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 1/23/02.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-7 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☒ Claim(s) 5-7 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____ .

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____ .

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Int rview Summary, PTO-413

☒ Notice of Ref rence(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Pat nt Drawing Revi w, PTO-948

☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

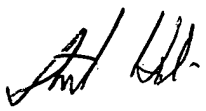
Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen taken with Carpenter '352.

Larsen teaches in column 3 decomposing whole tires in molten medium, and recovering the off-gases. Larsen does not teach the apparatus, instead being open to any suitable arrangement. Carpenter teaches in the figures and column 4 conveying whole tires into molten bath, and removing the tires, which carries off the unreacted steel cord.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system of Carpenter in the process of Larsen because doing so provides an arrangement for carrying out the decomposition. Concerning claim 2, the 14/54/56 elements in Carpenter serve to insure that the tires are immersed, and also the members 18 serve this function. Concerning claim 3, letting the tires drip is an obvious expedient to avoid loss of metal bath material (see col. 5 line 55). Concerning claim 4, forced-air cooling is an obvious expedient to cool the apparatus quickly, for better process throughput.

Claims 5-7 are allowable since the art of record does not suggest a hood extending into the bath.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson
examiner Art Unit 1754